

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CEDRIC MARK EARSHIN BELL,

Plaintiff,

Case No. 2:20-cv-10193

District Judge Bernard A. Friedman

Magistrate Judge Anthony P. Patti

v.

STATE OF MICHIGAN
ADMINISTRATIVE BOARD OF
CLAIMS, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF’S MOTION TO FILE EXCESS PAGES
(ECF No. 120) and DIRECTING THE CLERK OF THE COURT TO
STRIKE PLAINTIFF’S RESPONSE (ECF No. 121)**

During August 2022, the Court entered orders setting Plaintiff’s response deadline for ECF Nos. 101, 110 and 111 – filed by MDOC Defendants Campbell, Russell, Haas, Parr-Mirza, and Tyler – for September 1, 2022. (ECF Nos. 117, 119.) On September 2, 2022, Plaintiff filed: (1) a motion, which requests an extension of the 25-page limit (ECF No. 120); and, (2) a 74-page extended response brief, which states, *inter alia*, that he “never knew about the page limit[,]” (ECF No. 121, PageID.1143).

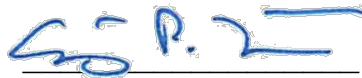
Upon consideration, Plaintiff’s motion (ECF No. 120) is **DENIED**. “While we give *pro se* litigants a certain amount of leeway in prosecuting their cases—for example, their pleadings are liberally construed—they are not excused from

complying with the applicable Court Rules” *O’Dell v. Kelly Servs., Inc.*, 334 F.R.D. 486, 491 (E.D. Mich. 2020) (Michelson, J.). Moreover, as the Court recently pointed out to the Plaintiff in *Bell v. MDOC, et al.*, Case No. 2:21-cv-11571-BAF-APP (E.D. Mich.), the response quite significantly exceeds this Court’s page limit. *See* E.D. Mich. LR 7.1(d)(3)(A) (“The text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages. A person seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons.”). Likewise, Plaintiff’s request to file a 74-page response is not proportional, whether to: (1) Campbell’s 4-page motion to dismiss (ECF No. 101, PageID.1088-1091); (2) Russell’s 3-page brief to her motion for summary judgment (ECF No. 110, PageID.1113-1115), which adopts and incorporates the January 13, 2022 motion for summary judgment (ECF No. 54); or, (3) Haas, Tayler and Parr-Mirza’s 3-page brief to their motion to dismiss (ECF No. 111, PageID.1122-1124), which adopts and incorporates the March 3, 2022 motion to dismiss (ECF No. 64). Finally, the lengthy proposed response is likely to be counter-productive to Plaintiff’s cause, because it will make it more difficult for the Court to focus on key issues. Accordingly, the Clerk of the Court **SHALL** strike Plaintiff’s brief (ECF No. 121) from the record, and Plaintiff **SHALL** have up to and including **Monday, October 24, 2022** by which to file a response that

complies with this Court's Local Rules and clearly identifies the dispositive motion or motions to which it responds.

IT IS SO ORDERED.¹

Dated: September 7, 2022



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).